

Appl. No. 10/672,414
Docket No. 9369
Amdt. dated December 13, 2007
Reply to Office Action mailed on September 13, 2007
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the embossment comprises a colored ply bond adhesive and an ingredient. Support for the amendment is found in the Specification at page 5, lines 19-20 and in the Claims as originally filed.

Claims 6-10 have been amended to be consistent with Claim 1.

Claims 5, 11-18 and 23 have been cancelled without prejudice. The subject matter of cancelled Claims 5 and 23 have been incorporated into Claim 1, as amended.

Claims 1-3, 6-10 and 19-21 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

Claim 23 has been rejected by the Examiner under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner asserts that the language "the embossment comprises a colored ply adhesive" is not supported within the Specification.

Applicants respectfully submit that this rejection is now moot in light of the cancellation of Claim 23.

Rejection Under 35 USC §102(b) Over WO Patent No. 98/50482

Claims 1-3, 17-20, and 23 have been rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by WO 98/50482 to Nunes et al. ("Nunes"). The

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Examiner asserts that Nunes teaches a multi-ply absorbent article with pigmented adhesive positioned between the two plies.

Applicants respectfully submit that Nunes fails to teach each and every element of Claim 1, the independent claim, as amended, because Nunes fails to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Nunes. Further, Applicants submit that Claims 2-3 and 19-20 (Claims 17-18 and 23 have been cancelled), which ultimately depend from Claim 1, as amended, are not anticipated by Nunes for the same reasons that Claim 1, as amended, is not anticipated.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 6,684,641

Claims 1-3, 17-20, and 23 have been rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 6,684,641 to Murphy ("Murphy"). The Examiner asserts that Murphy discloses a laminated embossed creped tissue providing a pleasant pattern of visible coloration. The embossed plies have dyes and/or pigments.

Applicants respectfully submit that Murphy fails to teach each and every element of Claim 1, the independent claim, as amended, because Murphy fails to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Murphy. Further, Applicants submit that Claims 2-3 and 19-20 (Claims 17-18 and 23 have been cancelled), which ultimately depend from Claim 1, as amended, are not anticipated by Murphy for the same reasons that Claim 1, as amended, is not anticipated.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 5,503,076

Claims 1-3, 17-20, and 23 have been rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 5,503,076 to Yeo ("Yeo"). The Examiner asserts that Yeo discloses a multicolored printed, embossed laminate comprising a non-white color.

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Applicants respectfully submit that Yeo fails to teach each and every element of Claim 1, the independent claim, as amended, because Yeo fails to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Yeo. Further, Applicants submit that Claims 2-3 and 19-20 (Claims 17-18 and 23 have been cancelled), which ultimately depend from Claim 1, as amended, are not anticipated by Yeo for the same reasons that Claim 1, as amended, is not anticipated.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 3,672,949

Claims 1-3, 17-20, and 23 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 3,672,949 to Brown ("Brown"). The Examiner asserts that Brown teaches embossed, laminated creped tissue comprising an adhesive applied in a pattern in discrete spots. The Examiner recognizes that Brown does not teach that its embossments comprise a non-white color agent.

Applicants respectfully submit that Brown fails to teach each and every element of Claim 1, the independent claim, as amended, because Brown fails to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Brown. MPEP 2143.03. Further, Applicants submit that Claims 2-3 and 19-20 (Claims 17-18 and 23 have been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over Brown. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 4,325,768

Claims 1-3, 17-20, and 23 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 4,325,768 to Schulz. The Examiner asserts that Schulz discloses laminated creped fibrous webs with embossed patterns. The Examiner recognizes that Schulz does not teach that its embossments comprise a non-white color agent.

Applicants respectfully submit that Schulz fails to teach each and every element of Claim 1, the independent claim, as amended, because Schulz fails to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an

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ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Schulz. MPEP 2143.03. Further, Applicants submit that Claims 2-3 and 19-20 (Claims 17-18 and 23 have been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over Schulz. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over WO Patent No. 98/50482.

U.S. Patent No. 3,672,949, U.S. Patent No. 3,684,641, U.S. Patent No. 4,325,768,

or U.S. Patent No. 5,503,076 in view of U.S. Publication No. 2004/00118530

Claims 12-16 and 21 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Nunes, Brown, Murphy, Schulz or Yeo, all discussed above, in view of U.S. Patent Publication No. 2004/00118530 to Kressner, et al. ("Kressner").

Applicants respectfully submit that this rejection is now moot with respect to Claims 12-16 since those claims have been cancelled.

Applicants submit that Claim 21, which depends from Claim 1, as amended, is not rendered obvious over Nunes, Brown, Murphy, Schulz or Yeo in view of Kressner for the same reasons that Claim 1, as amended, is not anticipated by nor rendered obvious over Nunes, Brown, Murphy, Schulz or Yeo. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

in view of U.S. Patent No. 4,325,768

Claims 1-3, 5-21, and 23 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over 6,221,211 to Hollenberg, et al. ("Hollenberg") in view of Schulz, discussed above. The Examiner asserts that Hollenberg teaches a multi-ply tissue product containing indicia to indicate the presence of some unique ingredients within the tissue product. The Examiner recognizes that Hollenberg fails to teach that its tissue product comprises an embossment comprising the indicia. To overcome the deficiencies of Hollenberg, the Examiner attempts to combine the teachings of Schulz with the teachings of Hollenberg.

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Applicants respectfully submit that Hollenberg in view of Schulz fails to teach each and every element of Claim 1, the independent claim, as amended, because Hollenberg and Schulz fail to teach a fibrous structure product having an embossment comprising a colored ply bond adhesive and an ingredient. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Hollenberg in view of Schulz. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 6-10 and 19-21 (Claims 5, 11-18 and 23 have been cancelled), as amended, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg in view of Schulz. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

in view of U.S. Publication No. 2004/00118530

Claims 12-16 and 21 have been rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hollenberg in view of Kressner, both discussed above.

Applicants respectfully submit that this rejection is now moot with respect to Claims 12-16 since those claims have been cancelled.

Applicants submit that Claim 21, which depends from Claim 1, as amended, is not rendered obvious over Hollenberg in view of Kressner for the same reasons that Claim 1, as amended, is not rendered obvious over Hollenberg. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

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Respectfully submitted,

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(Amendment-Response to Office Action.doc)
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